



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names

Cynthia Jane Ayers

Cynthia Jane Torain (Maiden Name)

B. Current home and office addresses, including email addresses and telephone numbers.

Home:

**Office: 200 East Washington Street, Room W-442
Indianapolis, Indiana 46204
(317)-327-5734**

Cell:

C. Date and place of birth

October 19, 1947

Indianapolis, Indiana

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

See Attachment

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

See Attached Photo

- III. A. State in what county you currently reside and since what date.

I reside in Marion County and have lived in Marion County, Indiana since my birth.

- B. List all previous counties of residence, with dates.

N/A

- C. When were you admitted to the Indiana Bar?

I was admitted to the Indiana Bar in June 1983.

- D. Are you currently on active status?

Yes

- E. What is your attorney number?

4076-49

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Indiana University	09/65 - 06/74	Bachelor of Science
IU, School of Public and Environmental Affairs	09/74 - 06/78	Master's Degree

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Indiana University School of Law - Indianapolis	08/79 - 12/82	Doctor of Jurisprudence
National Judicial College	1993	Court Management of Trial Judges Certificate, 11/93
National Center for State Courts, Williamsburg, VA	1994	Case Management Certificate, 1994
American Academy of Judicial Education	1996	Judicial Problem- Solving Certificate, 6/20/96
American Academy of Judicial Education	1997	No Reversals, Correct Rulings: Evidence in Action Certificate, 8/8/97
Judicial Conference of Indiana, Graduate Program for Judges	1999	Certificate Awarded, 9/28/99
Indiana Judicial College	2000	120 Hours of Continuing Judicial Education; Certificate Awarded 9/22/00
Justice Management Institute	2002	Court Continuity Planning Certificate, 5/16/02
Association of Family and Conciliatory Courts	2009	Interventions for Family Conflict Certificate, 11/7/09

C. Describe any academic honors, awards, and scholarships you received and when.

Child of Disabled Veteran Award, 1974-1978

- V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

<u>Title or Position</u>	<u>Location</u>	<u>Dates</u>
Probation Officer	Marion County Probation Department	1973 - 1975
State Parole Agent	Indiana Dept. of Corrections	1975 - 1983
Deputy Prosecutor	Marion County Prosecutor's Office	1983 - 1985
Adjunct Professor, Business and Family Law	Indiana Vocational Technical College	1985 - 1986
Private Practice, Law	White and Johnson	1985 - 1988
Master Commissioner	Marion County Circuit Court, Paternity and Child Support Enforcement	1985-1988
Litigation Counsel	Office of Utility Consumer Counselor	1986 - 1988
Master Commissioner	Marion County Superior Court, IV-D	1988 - 1990
Judge	Marion County Superior Court, Civil Division IV	1991-present
Adjunct Professor, Ethics and Professional Responsibility	Indiana University School of Law - Indianapolis	1998-present

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

While in the private practice of law, I shared office space with six other attorneys at the firm of White and Johnson. While there, I practiced law primarily in the areas of criminal, family,

employment, and bankruptcy law. My officemates were John F. White, Herbert Johnson, Frank Hanley, Charles Hankey, Darrell Owens, and Daniel Coffey.

C. Describe the extent of your jury experience, if any.

During my employment as Marion County Deputy Prosecutor in the Misdemeanor and D Felony Divisions, I routinely tried criminal jury trials. All the defendants I prosecuted were found guilty as charged. Additionally, I have extensive jury trial experience as a judge.

I have presided over jury trials in both the criminal and civil divisions during the last twenty years. As Presiding Judge over Civil Division, Room IV, I conduct between five and ten (5-10) jury trials per year.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I began my judicial experience in 1985 as commissioner in Marion County Circuit Court, presiding over Paternity and Child Support Enforcement cases. During the next three years, while in the private practice of law, I routinely sat as Pro-Tem Judge in Traffic Court and in the Felony and Misdemeanor Divisions.

In June 1988, I was appointed by the General Term of the Marion Superior Court as a Master Commissioner to the Title IV-D Court, presiding over a docket of Paternity and Child Support Enforcement Cases. I served as Master Commissioner until my first successful election as a Superior Court Judge in November 1990.

I have been re-elected in county-wide elections on three occasions and am currently serving my fourth term. I preside in the Civil Division of the Marion Superior Court, Room IV. In December 2010, I will have continuously been assigned to the same court for nineteen years.

My current docket contains approximately 2000 active case files. I preside over actions in tort, contract, domestic relations, medical and legal malpractice, business transactions, employment, credit collections and a variety of other civil matters, including de novo review of cases transferred from small claims courts. I also hear cases from Juvenile (Child in Need of Services and Termination of Parental Rights) and from the Probate Court on transfer after a change of judge.

I preside over approximately five to ten jury trials annually, many of which are three days in length or longer. I consider myself to be an excellent case manager and steward of the public trust. Of paramount importance to me is the expedient resolution of matters with fairness, impartiality, and equal access to justice.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

1. *Transmontaigne Product Services, Inc. v. Americas Insurance Company, et al.*, 49D04-0411-PL-002247; order entered November 9, 2009

2. *Indiana University Medical Center, Riley v. Logan*, 49S02-0003-CV-220, 49D04-9605-CT-0721, order entered September 1998; decided on appeal May 26, 2000
3. *Lenhardt Tool and Die Company, Inc. v. Duane Lumpe*, 49-A05-9706-CV-216, 49D04-9408-CT-001187, order entered April 1997; decided on appeal December 1998.
4. *Jason Edward Fuchs v. Megan and Cheryl Martin* 49S02-0602-JV-69, 49D04-0008-JP-1263, order entered November 2004; decided on appeal November 10, 2005
5. *In the Matter of D.Q., A.Q., S.Q., Ke.Q., Ka.Q., and R.Q., Minor Children*, A050009-JV-373, 49D04-9904-JT-483, order entered July 2000; decided on appeal April 12, 2001

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

1. *Indiana Pattern Civil Jury Instructions*, Plain English Project, To Be Published September 2010; Civil Jury Instructions Committee Member, 2008 to present
2. *L.R. 49 TR-85-Rule 231: Mandatory Settlement Conferences in Mortgage Foreclosure Cases*, March 2009
3. *SB492*, now *I.C. 32-30-10.5 et seq.*: Offered testimony to both houses of the Indiana General Assembly on the need for mandatory settlement conferences in mortgage foreclosure actions.
4. *LR.53-FL00: Helping Children Cope with Divorce, Mandatory Educational Program for Divorcing Parents*, 1991
5. *Indiana Child Support Guidelines*, Revisions and Amendments Effective September 10, 2003; Committee Member, 1996 - 2003

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

1. "*Civility, Professionalism, and Common Courtesy*", *Indiana Lawyer*, May 1998. This essay discusses recent trends away from civility and common courtesy in the modern practice of law. It explores possible reasons and offers possible remedies.
2. "*Allocation and Redistribution of Cases in Indiana by Supreme Court Rule*", *Indiana Lawyer*, September 2000. This essay provides information on efforts by the Indiana Supreme Court to create caseload parity, based on weighted caseload guidelines, between Marion County and the contiguous counties that make up District 8. I chaired the committee and helped draft an administrative rule.

3. "*President's Message*", 12 bi-weekly columns published in the *Indiana Lawyer*, February 2006 through January 2007; Highlighted Essays:

- a. "*Images in the Media: Are Lawyers Really That Bad?*"
- b. "*Why Should We Care About Diversity in the Practice of Law?*"
- c. "*They Shoot Horses (Judges), Don't They?*" and
- d. "*Is Collegiality Dead?*"

4. "*Mortgage Foreclosure in Marion County*"- *Indiana Lawyer*, June 2010; This article provided the public with an update regarding the status of mortgage foreclosures and the case-management procedures and success of such.

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

See Attachments:

1. *L.R. 49 TR-85-Rule 231: Mandatory Settlement Conferences in Mortgage Foreclosure Cases*, March 2009
2. *In the Matter of D.Q., A.Q., S.Q., Ke.Q., Ka.Q., and R.Q., Minor Children*, A050009-JV-373, 49D04-9904-JT-483, order entered July 2000; decided on appeal April 12, 2001
3. *Transmontaigne Product Services, Inc. v. Americas Insurance Company, et al.*, 49D04-0411-PL-002247; order entered November 9, 2009
4. "*They Shoot Horses (Judges), Don't They?*" *Indiana Lawyer*, President's Message, 2006-2007

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

Since leaving the practice of law in 1988 to become a Master Commissioner, I have not had the opportunity to contribute my services *pro bono* as an attorney. During my years in private practice, however, I routinely volunteered to represent clients without legal fee.

In 2000, as a trial court judge, I volunteered my services as a mentor to under-privileged girls with the organization Girls, Inc.

Additionally as a trial court judge, I currently participate in a "Mock-Interview" Program with ITT Technical Institute.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. *Victor Bowling, et al v. The Metropolitan Development Commission, et al*, decided in 1998. This case was a request for judicial review of an administrative decision

involving a request for relief from an adverse rezoning decision by the Metropolitan Development Commission. A 1200-acre parcel of real was to be developed into a commercial industrial park near the Indianapolis International Airport known as the estate the Ameriplex Industrial Park, The homeowner and hundreds of remonstrators filled the courtroom each day in protest because they feared the industrial use of this parcel of real estate would severely decrease property values. They complained their due process rights had been denied due to lack of notice of supplemental review hearings pursuant to administrative rules. I found no such due process violation existed and decided in favor of the Department of Metropolitan Development. This ruling set a standard for reviewing procedural safeguards in matters of rezoning.

2. *Brenda Logan v. Indiana University, Riley Hospital for Children*, decided July 1999. This case concerned a claim of medical negligence based on an alleged overdose of medication given to a child being treated for asthma. Subsequent to the treatment, the child experienced neurological damage and psychological impairment. The plaintiff was given an initial extension of time to respond to the hospital's Motion for Summary Judgment; even with the extension of time, no formal response was received by plaintiff. On the date the response was due, the plaintiff filed her personal affidavit and attached twelve exhibits. Plaintiff's counsel subsequently filed additional exhibits and a memorandum without seeking leave of court. In my ruling, I denied the hospital's motion for summary judgment. The ruling was initially reversed by the Court of Appeals. The Supreme Court granted transfer and affirmed. This case was significant because it allowed an issue of material fact to be raised in a personal affidavit filed within the deadline for responding to a motion for summary judgment in spite of appropriately designated materials not being timely filed.
3. *In Re the Matter of the Adoption of C.W., a Child in Need of Services*, decided January 2001. This case began as a CHINS proceeding of an infant who was severely injured by her birth father. After the child was returned to her parents with a CHINS order in place, the child was seriously re-injured by the father. The child was again removed from her parents and placed in foster care. Her father was later convicted of Felony Abuse and Neglect of a Child and Battery. The CHINS case was converted to an action for Termination of Parental Rights. Parental rights were terminated as to birth father and later, an adoption proceeding ensued. The foster parents, the birth mother, the mother's sister competed to become the child's parent. The case was important because I had to decide which competing adoptee could provide the best home for the child and what was in the best interest of a child who had nearly died from child abuse at the hands of her parents.
4. *Duane Lumpe v. Lenhardt Tool and Die Company Inc.*, decided April 1997. Plaintiff Lumpe was severely burned during an explosion that occurred at Olin Industries, a brass manufacturing plant. Defendant Lenhardt argued in his summary judgment motion that because the actual molds and plugs were destroyed in the explosion and could not be located or identified, that the burden shifted to Lumpe, pursuant to *Ind. T.R. 56*, to come forward with evidence that the mold had actually been manufactured by Lenhardt and it that was therefore negligently manufactured and dangerously defective. I denied Lenhardt's Motion for Summary Judgment and this ruling was affirmed by the Indiana Court of Appeals and the Indiana Supreme Court. The case established a fundamental contrast between federal practice and state practice. In federal

practice, the motion for summary judgment would have been granted against Lumpe because Lenhardt would not have been required to establish a negative position in his designated materials: that he did not manufacture the mold. The burden would have been on Lumpe to prove that Lenhardt *did* manufacture the mold. In Indiana's summary judgment proceedings, the party seeking summary judgment must demonstrate the *absence of any issue of genuine fact* before the non-movant must present contrary evidence. My ruling found that simply demonstrating that the Lumpe did not have sufficient evidence to prove the mold was manufactured by Lenhardt due the inability to find any pieces of the mold was not enough to have summary judgment entered against him and the that the case should proceed to trial. This case cemented the significant difference in shifting the burdens of proof between the Indiana trial rules and federal summary judgment practice.

5. *James Butler v. Indiana Department of Insurance, decided in 2009.* This case involved the interpretation of the statute governing wrongful death of unmarried adult persons with no dependents. (*I.C. 34-23-1-2*) The issue was whether a party has the right to recover the actual amount *charged* for medical, hospital, or other health services due to contractual arrangements with the patient's insurers, Medicare or Medicaid or whether they should recover the amount that was *actually paid* for medical services but thereafter reduced because the medical providers accepted a lesser amount in full satisfaction of all outstanding amounts. My ruling that the recoverable amounts were only those amounts actually paid to the medical providers due to the wrongful conduct was affirmed by the Indiana Supreme Court. This case completely changed the total amounts recoverable for personal injury in negligence actions.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

1. Mr. Peter Racher, Esq., PLEWS SHADLEY RACHER AND BRAUN, 1403 North Delaware Street, Indianapolis, Indiana, 46202, (317) 637-0700
2. Mr. C. Warren Holland, Esq., HOLLAND AND HOLLAND, 8800 Keystone at the Crossing, Suite 848, Indianapolis, Indiana, 46240, (317) 581-4400
3. Mr. Robert W. York, Esq., Robert W. York and Associates, 7212 North Shadeland Avenue, Suite 150, Indianapolis, Indiana, 46250, (317) 842-2000

- VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

In 1991, in partnership with Judges McCarty and Hanley, I established the Children Cope with Divorce class. All divorcing parents are required to attend this four (4) hour class administered by Visiting Nurse Service, Inc. that covers the following topics: how families

experience divorce, typical reactions of children to divorce, developmental needs of children, and pitfalls to avoid during and after the divorce proceedings.

In 1998, I was elected to serve as Associate Presiding Judge of the Marion Superior Court. In 2002, I was elected as Presiding Judge. During my tenure as Presiding Judge, I designed two specialized courts: the Environmental Court and the Initial Hearing Court. These courts were created to address unique legal issues and were instituted to promote expeditious resolution of criminal and civil cases.

The Environmental Court, housed in the Community Courts Building has specialized jurisdiction to hear cases involving pollution and contamination of air, water, and soil. In addition, this Court has the jurisdiction to adjudicate ordinance violations relating to overgrown weeds and overflowing trash. The judge assigned to this court traditionally has expertise in the pertinent areas of law and is able to address environmental issues without delay.

The Initial Hearing Court, designed with the assistance of the Prosecutor and Chief Public Defender, was created to facilitate disposition of a defendant's first appearance in minor misdemeanor cases. The court also presents the first opportunity for bond to be heard and has had a genuine impact on the complicated issue of jail and inmate management.

In conjunction with the establishment of the Initial Hearing court, I was a member of a task force dealing with jail overcrowding. The result of this task force was the creation of a \$12,000,000 Arrestee Processing Center. Today, judicial officers are available twenty-four hours a day to process criminal cases and the federal lawsuit pending against the Marion County Sheriff has been dismissed.

In 1999, I chaired the District 8 Committee of the Indiana Judicial Conference. The purpose of this committee was to address and decrease the disparity among the judicial caseloads as between the smaller and larger counties in Indiana. The Committee developed rules, policies, and procedures for reducing caseload backlog. The focus was an improvement on overall efficiency, including effective utilization of judicial time, facilities, staff, and other resources. The end result was an agreement from outlying counties to make courts available to hear cases from larger counties by agreement of the parties, subject to calendar availability. This effort was one of the first steps towards statewide judicial caseload management.

During the time period of 2002 to 2003, I served as an advisor to the Indiana General Assembly Committee on Child Custody and Support. I consulted with legislators on child support, parenting time, presumptive joint custody, covenant marriage, and arbitration of domestic disputes.

From November 2008 to the present, I have chaired the Indianapolis Bar Association Mortgage Foreclosure Task Force. This committee has made great improvements to the processing and case management of foreclosure actions and has allowed borrowers and lenders to participate in face-to-face meetings in an attempt to resolve delinquent mortgages short of foreclosure and Sheriff's sale. I have written and contributed to several articles on the topic and have been the featured speaker at several judicial and multi-disciplinary conferences.

In June 2009, I was a featured speaker at the Federal Reserve Bank of Chicago Mortgage Foreclosure Symposium held in Indianapolis, Indiana. This meeting brought together bankers, attorneys, debt counselors, and federal and state agency personnel from several states to discuss the national foreclosure crisis, in order to share information about how to resolve foreclosure cases short of judgment against and the sale of foreclosed properties.

In both 2009 and 2010, I was invited on several occasions to speak at training seminars for lawyers and judges on the topic of mortgage foreclosure. These educational seminars were presented for bar association and judicial education programs. In October 2009, I appeared on local radio station WTLC to discuss mortgage foreclosure settlement conferences and how the courts are managing the foreclosure process as a whole. I also appeared on PBS, WFYI, and Public TV Channel 16 to present information to the public on new court processes related to mortgage foreclosure settlement conferences.

In January 2010, my court became one of three courts in Marion County to participate in a pilot project that provides facilitators and coordinators to schedule and oversee mortgage foreclosure settlement conferences. At my direction, the facilitator schedules a phone conference between borrower and lender and makes definite arrangements for a face-to-face meeting between the parties. More than one hundred (100) settlement conferences have been held in my court; of these, approximately 27% of delinquent borrowers have been able make new payment arrangements and keep their homes.

Since 1991, I have been the supervising judge of the Domestic Relations Counseling Bureau. This agency provides custody and parenting time evaluations to the court. In this role, I have worked to improve the delivery of services to families struggling with issues of divorce so the Court will have access to the best information possible when deciding what is in the best interest of children in our community. Efforts are underway to improve the Family Resource Center, which is located in the City-County Building, by bringing together all family social services, including the DRCB, under the umbrella of the Family Court Project.

Awards

Indiana Black Expo Award, Black Business Conference, July 2009

Indiana Lawyer Diversity in Practice Award, 2009

Indianapolis Bar Association, Excellence in Legal Education, Dr. John Morton Finney, Jr. Award, 2008

Panelist, 83rd Annual Convention, Judicial Conference Division of National Bar Association, 2008

Who's Who National Registry, Executives and Professionals, 2003-2004

Indiana State Bar Association Presidential Citation, 2002

Indianapolis Bar Foundation, Distinguished Fellow, 1999

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

Justice through Peace and Freedom Project, 2003-2004

I chaired a committee comprised of judges, commanders of local military units, and community leaders that presented a program on May 24, 2004 to honor Indiana's military personnel who had served in Iraq and Afghanistan since September 11, 2001. Members of

Indiana's judiciary were called upon to honor these soldiers and their families by giving awards and recognition to all branches of the military. A coin was struck to commemorate the day and honorary plaques now hang at Indiana's War Memorial. The event was concluded with a judicial reception honoring Indiana's military families.

Indianapolis Bar Association: Justice Center Task Force

I am a founding member of the Indianapolis Bar Association's Justice Center Task Force. The goal of this task force is to create a new building in Marion County that will house the Court system and meet the public safety, court operations, and technology needs of the community. A video was created, comprised of actual scenes shot in public areas of the City County Building, to educate the public about extreme safety issues that currently exist.

Based on dangerous and sometimes fatal incidents in Court facilities in other jurisdictions where court safety has gone unresolved, the task force continues to push for a new justice complex despite extreme budget shortfalls by looking at a variety of financial options. These alternative financial options include the historic preservation of a building in downtown Indianapolis and developing public-private partnerships with local businesses

Speeches

I have given two speeches to the Marion County Bar Association, both during swearing-in ceremonies: "*The Decline of Family Values: What's Really Wrong with Our Families?*" (1996) and "*Race Relations in the Practice of Law,*" (2003).

Awards

Indiana Chapter, National Association of Social Workers, Citizen of the Year Award, 1991

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indianapolis Urban League (IUL), 2001 to present
NAACP, 1996 to present

Both the IUL and the NAACP promote freedom and democracy for all people regardless of race and ethnicity.

Girls, Inc., past member

Organization founded in 1864; goal of the organization is to encourage all girls to be strong, smart, and bold.

National Council of Negro Women, 2004 to present

Founded by Mary McCleod Bethune to lead, develop and advocate for Black Women

- D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indianapolis Bar Association (IBA)

I have been a member of the IBA since I entered law school in 1979.

I served on *Grievance Committee (D)* in 1991 and 1992. This committee reviewed potential grievances against attorneys and made recommendations to the Indiana Supreme Court Disciplinary Commission on whether to refer the claim for further investigation.

I was elected to the *Board of Managers* as a member-at large for a two year term, 1991-1993. I again served on the board in the same capacity from 1996-1998.

I was elected *Vice-President* for a one year term in 2000.

I was elected *First Vice-President* in 2004. I became *President-Elect* in 2005 and was elected *President* of the organization in 2006. I am the first African-American to serve as president of the association. In 2007, I served on the board as the *Immediate Past President*.

During the years of 1993 – 2010, I have served on the following committees: Nominating Committee, two (2) appointments; the Justice Center Task Force; chair of the Mortgage Foreclosure Task Force; chair of the Diversity Committee; Women in the Law Committee; Family Law Committee; chair of the Bench Bar Committee Program; Senior Council Division; Executive Committee; Merit Selection Legislative Sub-Committee (2009); and on the Women in the Law Committee, Mentoring Program (1996).

Additionally, I have presented the following Continuing Legal Education presentations in conjunction with the Indianapolis Bar Association: *Diversity in Law School Admissions Seminar* (2003); *Civil Court Judges: Practice and Policy* (2008); *Civil Jury Instructions* (2010); and *Ex-parte Communication and Ethics* (2010).

Indiana State Bar Association (ISBA)

I have been a member of the ISBA since my admission to the Indiana State Bar in 1983.

I served on the *Board of Governors*, District 11 Representative from 2000 to 2003.

I chaired the *Client Financial Assistance Fund* in 2000. This committee reviews claims made against attorneys on the grounds of fraud. After extensive investigation, the committee makes recommendations to the Board of Governors for reimbursement of losses up to \$15,000 per case, per occurrence. The fund balance is approximately \$500,000.

I am a *voting delegate* to the House of Delegates on behalf of the Indianapolis Bar Association.

I am a past member of the committee on *Diversity in the Legal Profession*.

I am a past member of the committee on *Improvements in the Judiciary*.

I served as *Treasurer* of the Association on the Board of Governors in 2004.

I have presented the following Continuing Legal Education presentation in conjunction with the Indiana State Bar Association: *Diversity in Law School Admissions* (2003).

American Bar Association (Past Member)

I served on its *Committee for Diversity Initiative* in 2006.

National Council of Bar Presidents, 2005-2006

Marion County Bar Association (MCBA)

I have been a member of the MCBA since my admission to practice in 1983. I served on its *Board of Managers* for two separate one-year terms in 1992 and 2000.

National Bar Association Judicial Council

I have been member of the Judicial Council since 1995. I have presented the following Continuing Legal Education presentation in conjunction with the NBAJC: *Evidence in Action* (2008).

American Judicature Society

I have been a member since 2001.

National Association of Women Judges

I have been a member since 2003.

Indiana Judicial Conference

I served on the *Board of Managers* from 1994-1996.

I am a past member of the *Domestic Relations Committee*, 1996-2003. This committee drafted the Indiana Child Support Guidelines and the Indiana Parenting Time Guidelines.

I have served on the *Civil Jury Instructions Committee* since 2008. "Plain English" Civil Jury Instructions created by this committee are set to be published in September 2010.

Indiana Bar Foundation

I became a *Fellow* in 2000.

Indianapolis Bar Foundation

I became a *Fellow* in 2007.

American Judges Association

I have been a member since 1991.

Indiana Supreme Court

District 10 Representative, Judicial Conference, 1995

I currently serve on the *Character and Fitness Committee* and have done so since 1993. This committee has the responsibility to interview potential admittees to the Indiana State Bar and makes recommendations on the individual's character and fitness to practice law in Indiana.

Indiana Supreme Court Disciplinary Commission, 2001 - present

I serve as *Hearing Officer* for grievances filed against attorneys. I make findings and recommendations to the Commission after hearing.

Indiana Supreme Court Judicial Technology and Automation Committee, 2001 - present

This committee is composed of nine judges, a variety of state agency heads, technology experts, and other interested parties that are charged with the development of a 21st Century case-management system for all of Indiana's trial courts.

Indiana Conference for Legal Education Opportunity (ICLEO), 2001-2002

This committee provides scholarship opportunities and educational assistance to minority students admitted to Indiana law schools.

District 8 Committee, 1999

This committee was tasked by the Chief Justice to address the disparity among trial court caseloads between Marion County and the seven contiguous counties. The committee developed rules, policies, and procedures for reducing backlog and better utilization of judicial time, facilities, staff, and other court operational resources.

Committee on Judicial Performance and Evaluations, 2008 - present

This committee is charged with investigating the need for performance evaluations of trial judges in Indiana in order to promote accountability to the public.

American Inn of Courts

Associate of the Inn, 1999 – 2004

Master of the Inn, 2004 – 2007

Executive Committee Member, 1999 - present

- E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Republican Township Clubs: Pike, Center, Perry, Franklin, Lawrence, Warren, Wayne Township, and Washington, and Decatur

Greater Indianapolis Republican Women's Club

Indianapolis Pal Club, (past member)

Women Lawyers Group, member since 2005.

This loosely-organized group of local women attorneys and judges meets for dinner monthly; there are no membership rules, bylaws or dues.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

1. *Adjunct Professor of Law*, Indiana Vocational Technical College, Business and Family Law Paralegal Program, 1985-1986
2. *Adjunct Professor of Law*, Indiana University School of Law – Indianapolis, Professional Responsibility and Legal Ethics, 2008 to the Present
3. *Indiana Graduate Judges Program*, presented a program delineating the need for judicial accountability through the development of judicial performance evaluation criteria for Indiana trial court judges, 2005
4. *American Bar Association Initiative*, "The Effects of Racial Bias in the Courtroom," Indiana University School of Law – Indianapolis, YEAR

G. Describe your hobbies and other leisure activities.

I enjoy playing tennis, fitness and exercise, reading, word puzzles, board games, travel, spectator sports (baseball, basketball and football), and flea market and yard sale picking.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

1. Ms. Sally Franklin Zweig, Esq., KATZ AND KORIN, 334 North Senate Avenue, Indianapolis, Indiana, 46204, (317) 464-1100
2. Mr. Joseph Slash, Director, INDIANAPOLIS URBAN LEAGUE, 777 North Senate Avenue Indianapolis, Indiana, 46225, (317) 693-7603
3. Mr. Joseph E. Loftus, Esq., BARNES AND THORNBURG, 11 South Meridian Street, Indianapolis, Indiana, 46204, (317) 236-1313

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

1. **Mr. Timothy Stoesz, Esq., ATTORNEY AT LAW, 211 East Main Street, Post Office Box 365, Westfield, Indiana, 46074, (317) 867-1524**

2. **Mr. William McLane, MCLANE REALTY, 6358 North College Avenue, Indianapolis, Indiana, 46225, (317) 257-7718**

3. **Ms. Marlene Reich, Esq., TAFT STETTINIUS AND HOLLISTER, One Indiana Square, Suite 3500, Indianapolis, Indiana, 46204, (317) 713-3500**

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

Ayers v. Ayers, September 1972, Dissolution of Marriage, Case Number Unavailable, Paul L. Ayers, Respondent.

Additionally, throughout my judicial career, there have been lawsuits filed in which the Plaintiff has named every city/county employee, judicial officer, and/or police officer related to any stage of the proceedings, resulting in myself being named in a long laundry-list of defendants. I have never actually been actively involved in any of these lawsuits.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

No

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

N/A

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

Never.

- G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

N/A.

- IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

- C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Yes; Accommodation will *not* be required

6/28/10
DATE

Cynthia J. Ayers
APPLICANT'S SIGNATURE

CYNTHIA J. AYERS
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6/28/2010
DATE

Cynthia J. Ayers
APPLICANT'S SIGNATURE

CYNTHIA J. AYERS
PRINTED NAME